



Protecting Children from Sexual Predators

Attorney General Roy Cooper

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Protecting children from sexual predators requires an aggressive and comprehensive strategy. Attorney General Roy Cooper proposes to:

- **Strengthen criminal penalties for possession, dissemination and production of child pornography**
- **Require computer technicians and photo development companies to report incidences of child pornography to local law enforcement in North Carolina**
- **Require social networking websites like MySpace to get parents' permission before children can join**
- **Enhance the criminal penalty for solicitation of minors for sex over the Internet when the child predator shows up at a meeting place to carry out the sexual assault on the child**
- **Expand North Carolina law regarding child pornography to include indecent child exposure as federal law does**
- **Make lying to a State Bureau of Investigation agent a felony**
- **Allow state prosecutors to use an investigative grand jury to uncover and prosecute child sexual exploitation and child pornography**

Summary: The Internet provides children a window to the world, but also allows child predators to search for victims easily and anonymously, around the clock. They seek their next victim undercover by lurking in online chat rooms, reading Instant Messaging profiles and viewing online photographs.

Already Attorney General Roy Cooper has created a special unit at the SBI to find and catch Internet predators, and it leads North Carolina's Internet Crimes Against Children (ICAC) task force. A recent case highlights the challenge:

In Eastern North Carolina, a middle-aged sexual predator told a young girl online that he was 17. He found out where she lived, and went to her home and introduced himself, saying he was the 17-year-old's father. To get close to the girl, he tried to date her mother. The masquerade lasted for months. Eventually the 13-year-old girl discovered that her online boyfriend and the predator were the same person, but continued to talk with him. The predator begged the girl to run away from home. He was arrested by SBI agents and local law enforcement one

early morning while trying to pick up a decoy SBI agent posing as the girl. Police found tape and rope in the predator's truck. During a search of his computer, agents found child pornography.

These criminals live and prey across the state. Recently, the task force, led by the SBI, served 58 search warrants on suspects in Wilmington, Greenville, Rocky Mount, Fayetteville, Raleigh, Cary, Greensboro, Winston-Salem, Charlotte, Boone, Asheville and other cities. The operation began with SBI investigations that resulted in a statewide sweep to stop file sharing programs which allow criminals to trade and distribute child pornography directly with each other. Tips come from out of state and across the world:

A Kansas ICAC Agent with undercover SBI agents found a suspect in Clayton, NC after the suspect sent a video of himself to an officer posing as a 12-year-old. A decoy officer arrested him at a park after the predator arrived thinking he would be meeting a 12-year-old child to have sex. When the SBI went to the predator's house, they found more than 30 downloads of child pornography running simultaneously. The computer also revealed video and pictures of the man molesting his stepdaughter. Without the undercover operation, law enforcement would not have caught him as the girl was too fearful to come forward. He subsequently pleaded guilty to 1st Degree Statutory Rape and 1st Degree Sexual Exploitation of a minor.

Despite these successful prosecutions, predators' use of the Internet to hunt for new child victims continues. To better protect our children, Attorney General Roy Cooper makes the following recommendations:

I. Strengthen criminal penalties for possession, dissemination and production of child pornography

Incidents of child sexual exploitation reported in North Carolina continue to rise. The National Center for Missing and Exploited Children (NCMEC), which tracks online and telephone reports of child solicitations and exploitation, had 11 incidents reported in 2001; in 2005, 252 were reported and in 2006 the number topped 400 (NCMEC, Dec. 7, 2006 YTD).

Law enforcement officers report and a study has shown that child predators often use and distribute child pornography as well. Federal law imposes stronger criminal penalties for the possession, dissemination and production of child pornography than North Carolina currently provides. Possession of child pornography under federal law provides up to 10 years active prison time. Under North Carolina law, possession of child pornography for first-time offenders carries no active prison time.

II. Require computer technicians and photo development companies to report incidences of child pornography to local law enforcement

Federal law requires Internet Service Providers to report incidences of the electronic communication of child pornography to the Cyber Tip Line at the NCMEC, which forwards it to law enforcement. Likewise, North Carolina should require computer technicians and photo developers to report child pornography to law enforcement and provide civil immunity for such reports made in good faith. A recent example shows how this information can help:

In 2006, law enforcement in the Triangle arrested an offender for possession of child pornography. He had printed explicit pictures of an 8-year-old girl at a Target store using a false identity at a self-service machine. Target notified police, who arrested him when he printed pictures at another Target store. During a search of his home, police found video footage of the man molesting the child from the pictures. Child pornography peddlers are most likely to develop pictures at stores or online photo sites. These predators often produce child porn by documenting molestation of a child, and then developing the images. If these incidents are reported, law enforcement can find these predators quickly, protect the children who are being harmed, and prevent these offenders from finding their next victim.

III. Require social networking websites to get parents' permission before children can join

Websites that encourage children to share personal information like photos and talk online with each other give predators easy targets. Last fall the SBI arrested a North Carolina police officer for raping a 14-year-old girl he had lured through MySpace, a site that hosts detailed profiles of millions of children and adults. Few safeguards keep the children away from adult users, so child users are exposed to adults seeking sex as well as lewd pictures and words inappropriate for kids.

Many dozens of children report sexual abuse by predators who used social networking sites to find their victims. This proposal requires that these websites get parents' OK before minors join and post personal information, and give parents the chance to see what their children post.

IV. Enhance the criminal penalty for solicitation of minors for sex over the Internet when the child predator shows up at a meeting place to carry out the sexual assault on the child

The SBI and local law enforcement have had success using Cooper's new law that makes it a felony for an Internet predator to solicit a child for sex, including an undercover officer he or she believes to be a child. This law also requires convicted online predators to be added to the state's Sex Offender Registry and to provide DNA samples for the state's convicted offender database.

However, North Carolina should enact a tougher criminal penalty for a predator who solicits a child over the Internet and then follows through by showing up at the meeting place. An example:

In August of this year, a longtime middle school teacher who also worked as a coach was charged with electronically soliciting a child for sex. The defendant communicated by instant messages with a 15-year-old boy inviting him for a sexual encounter. The boy's father found out and told law enforcement, and a deputy posed as the boy to set up a meeting. The offender arrived with lubricant, two condoms and a digital camera. Investigators later found thousands of child porn videos and photos and charged him with 20 counts of second-degree sexual exploitation of a minor.

V. Expand North Carolina law regarding child pornography to include indecent child exposure as federal law does

North Carolina's child pornography statute currently makes it a crime to produce, distribute, or possess material containing "a visual representation of a minor engaged in sexual activity" (NCGS §§ 14-190.16 through 17A). Sexual activity is defined in section 14-190.13, but does not include the suggestive display of the genital area of the minor. Federal law includes the state definition, but also the "lascivious exhibition of the genitals or pubic area of any person" (18 USCS § 2256) and provides a broader definition thus providing greater protection for our children against those who attempt to sexually exploit them.

VI. Make lying to an SBI agent a felony

More than 10,000 convicted sex offenders currently live in North Carolina. Many share pornographic images of children with each other, and those who do often know who the child is and where they live. Making lying to an SBI Agent a felony would provide a critical incentive for sex offenders to tell investigators where the child is so that the SBI can rescue the child and prevent further exploitation.

SBI agents know witnesses withhold information or lie outright. When an FBI agent is present, a dishonest witness can be charged with a crime, since federal law makes it a felony to lie to federal agents.

The SBI handles the state's most complex and challenging felony criminal investigations in North Carolina. This new provision will provide the SBI with a critical investigative tool to compel witnesses to tell the truth. Whether it is a crime of murder, rape, child sexual exploitation, child pornography, or the embezzlement of private or public funds this strong investigative tool will help apprehend perpetrators and provide real penalties for those who deceive.

VII. Allow state prosecutors to use an investigative grand jury to uncover and prosecute child sexual exploitation and child pornography

Under this new law, state prosecutors could convene a grand jury to question witnesses under oath, subpoena records and deliberate evidence of child pornography and child sexual exploitation. A grand jury allows prosecutors to subpoena witnesses who otherwise might refuse to cooperate. Federal authorities have the power to convene a grand jury in child pornography and child sexual exploitation cases, but state prosecutors don't. This new authority is a tool that law enforcement and prosecutors can use to identify those who produced and disseminated the child pornography and prevent further victimization of children.